

NO.: DBD-CV18-6025337-S : SUPERIOR COURT
FELINDA DE LANTIGUA, ET AL : J. D. OF DANBURY
V. : AT DANBURY
JOSEPH SHAW, ET AL : JULY 8, 2019

MOTION IN LIMINE

The plaintiff, Felinda De Lantigua, respectfully moves in limine to preclude the defendant, any witnesses, attorneys and representatives from introducing evidence and/or providing testimony as to the plaintiff's immigration status. Such testimony is not relevant, would only distract the jury from the real issues and unduly prejudice the plaintiff.

Under Connecticut law, evidence is relevant only if it tends to establish a fact in issue or corroborate other direct evidence. *Lynch v. Granby Holdings, Inc.*, 32 Conn. App. 574 (1993); *Holy Trinity Church of God and Christ v. Aetna Casualty Surety Co.*, 214 Conn. App. 216 (1990). Relevant evidence must be logically probative and sufficiently significant to aid the trier of fact and the determination of a fact in issue. *Turgeon v. Turgeon*, 190 Conn. App. 269 (1983). In Connecticut, evidence may be relevant and nonetheless require exclusion if its probative value is outweighed by such factors as time, confusion or prejudice. *State v. DeMatteo*, 186 Conn. 696, 702-703 (1982). "Evidence which is inconsequential tending to distract attention from the real issue should be excluded ... as should evidence which would be of greater prejudicial effect than probative value." *State v. Fritz*, 204 Conn. 156, 169-170 (1987).

In this case, the evidence regarding the plaintiff's immigration status would be highly prejudicial and distract the jury from determining the real issues in the case: liability and damages.

Any evidence as to the above would only distract the jury from the real issues and unduly prejudice the plaintiff by possibly arousing prejudice and/or suspicion toward the plaintiff. The jury would also be inclined to confuse the issues or overplay the importance of the evidence. *Katesos v. Nolan*, 170 Conn. 637, 649 (1976). The net result would be a decision based upon irrelevant and prejudicial evidence, rather than upon the merits of this case.

THE PLAINTIFF,
FELINDA DE LANTIGUA

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CERTIFICATION

This is to certify that a copy of the foregoing was mailed or will immediately be mailed or delivered electronically or non-electronically to all counsel and self-represented parties of record:

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